
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) MAGNOLIA HERRERA,

Plaintiff,

v.

(1) GAMLET OVSEPYAN and
(2) SKY STAR TRANSPORTATION
LLC,

Defendants.

Case No.: CIV-22-968-JD

NOTICE OF REMOVAL

**TO: THE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Defendants, Gamlet Ovsepyan (“Defendant Ovsepyan”) and Sky Star Transportation, LLC (“Defendant Sky Star”), pursuant to Title 28 U.S.C. §§ 1332, 1441(a) and 1446 and LCvR 81.2, files this Notice of Removal of the civil action filed against him in the District Court of Custer County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of removal, Defendant states as follows:

1. Plaintiff, Magnolia Herrera (“Herrera”), filed her Petition in the Custer County District Court on October 7, 2022. (See copy of the Custer County District Court Docket, attached as Exhibit “1.”)
2. Plaintiff has pled damages in excess of the amount required for diversity jurisdiction pursuant to Title 28 U.S.C. §1332. (See Petition, attached as Exhibit “2.”)

3. It is Defendant's belief that Plaintiff Herrera is a resident and citizen of the State of Oklahoma.
4. Defendant Gamlet Ovsepyan is a citizen of the State of New York.
5. Defendant Sky Star Transportation, LLC is a privately held limited liability company for profit business organized under the laws of the State of Georgia with its principal place of business in Decatur, Georgia. Defendant Sky Star Transportation, LLC, has not yet been served. Defendant Sky Star consents to removal of this action.
6. Because this is a civil action between citizens of different states and the amount in controversy is in excess of seventy-five thousand dollars (\$75,000), this Court has original subject matter jurisdiction over the civil action pursuant to Title 28 U.S.C. §1332(a)(1). Removal of the action to this Court by Defendant Ovsepyan, is made pursuant to the provisions of Title 28 U.S.C. §1441.
7. In accordance with the provisions of Title 28 U.S.C. §1391(a), venue is proper in the United States District Court for the Western District of Oklahoma because the alleged incident occurred in Clinton, Custer County, State of Oklahoma, which is in the Western District of Oklahoma and Plaintiff resides in the Western District of Oklahoma.
8. By virtue of this Notice of Removal, Defendants do not waive their right to assert any jurisdictional claims or pursue other motions or defenses, including

those available under Rule 12 of the Federal Rules of Civil Procedure.

9. In accordance with the provisions of Title 28 U.S.C. §1446(a) and the local rules of the United States District Court for the Western District of Oklahoma, legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

CJ-2022-68 (Custer County District Court)

Exhibit 1: Copy of the Oklahoma County District Court Docket

Exhibit 2: Petition

Exhibit 3: Summons to Gamlet Ovsepyan

Exhibit 4: Summons to Sky Star Transportation, LLC

In accordance with the provisions of Title 28 U.S.C. §1446(d), Defendant is serving a copy of this Notice of Removal upon Plaintiff and is filing a Notice of Removal with the Clerk of the District Court of Custer County, State of Oklahoma, where this case was originally filed. Copies of this Notice are being served upon Plaintiff and filed with the Custer County Court Clerk contemporaneously with this document.

WHEREFORE, Defendants Gamlet Ovespyan and Sky Star Transportation, LLC, pray that the Court take jurisdiction in this action to the exclusion of any further proceedings in the District Court of Custer County, State of Oklahoma.

Respectfully Submitted,

/s/ Michael W. Brewer

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Tony W. Edwards, Esq., OBA #2649

Matthew B. Patterson, Esq., OBA #22266

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ATTORNEYS FOR PLAINTIFF

/s/ Michael W. Brewer

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